1948.

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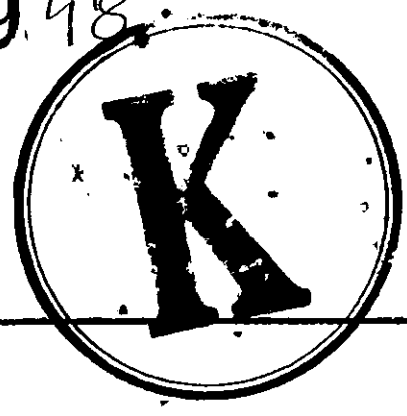

Legal **DEPARTMENT**

A **BRANCH**

Subject:— Opinions under the Indian Tramways Act, 1886.

P3E

File No. O. Tramways/48.

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C O N T E N T S

Legal Department File No. O. Tramways /48

Sr. N.	Compilation No.	Subject	Pages
1.	O.N. 11592/7.12.48	Indian Tramways Act, 1886- Sec. 4- Govt. India Act. 1935 Sec 311(2) Whether the Tramway proposed to be constructed from Sevlia Rly. Station form a continuous line of communication with a Federal Railway and, if not, whether this Govt can permit the crossing of the Godhra-Thasra Road.	1-3

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1-48.

Office of the R.L.A.

Indian Tramways Act, 1886, section 4. Government of India Act, 1935, section 311 (2).

Tramway from Sevalia Railway Station. Permission for construction.

It appears from the plan attached to the P.W.D file that the Sevalia Cement Works, Sevalia, desire to construct a tramway line from the siding of the Sevalia Railway Station on the B.B. & C.I.Railway to the Cement Factory site across the Thasra-Godhra road and have approached Government for permission under the Indian Tramways Act, 1886. The question raised for R.L.A's consideration is whether the tramway proposed to be constructed forms a continuous line of communication with a federal railway and if not, whether this Government can permit the crossing of the Godhra-Thasra road.

2. Under section 4(1) of the Indian Tramways Act, 1886, Government can authorise the construction of a tramway on an application being made under clause(1) or clause(b), Under section 3 clause(16), "Government", in relation to any tramway which is, or when completed will be, a federal railway, as defined in sub-section (2) of section 311 of the Government of India Act, 1935, means the Centra Government and in relation to any other tramway means the Provincial Government. As defined in section 311(2) of the Government of India Act, 1935, "railway" includes tramway not wholly within a municipal area; "federal railway" does not include an Indian State Railway but save as aforesaid includes any railway not being a minor railway; and "minor railway" means railway which is wholly situate in one unit and does not form a continuous line of communication with a federal railway whether of the same gauge or not. As stated above, the Sevalia Cement Works proposes to construct the tramway from the siding of the Sevalia Railway Station on the B.B.& C.I. Railway to the Cement Factory site. This tramway would obviously be a continuous line of communication with the B.B. & C.I. Railway, which is a federal railway; and it would be wholl in one unit, that is to say, in the Province of Bombay.

Consequently, the tramway which is proposed to be constructed, would not be a minor railway but would be included in the federal railway as defined in section 311(2) of the Government of India Act, 1935. The authority empowered to authorise the construction of the tramway would be the Central Government. The applicant may therefore be directed to approach the Central Government in the first instance. The second question does not survive.

Sd/- P.M.Lad
6/12

O.C.
Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 11592 dated the 7th December 1948.

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4 C.